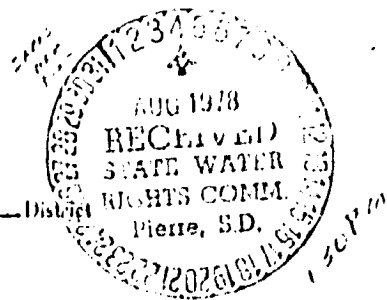


ter Right Number 1669-2

1. Considered MAY 24, 1979
2. Name of Applicant LLOYD BAKER
3. Post Office Address BONESTEEL, SD 29/30-95-68
4. Amount of water claimed 1.92
5. Source of water supply DAM ON A TRIBUTARY TO PONCA CREEK
6. Water to be used for IRRIGATION 706 AC F
Acres to be irrigated 135
7. Water to be diverted and used in GREGORY County
about 1 S, 2 Miles WEST of FAIRFAX
8. Proof of Publication Received 5-18-79
Not received _____
9. Application Approved 5-24-79
Subject to Low Flow By-pass
Not approved _____
Action deferred _____

10. Remarks:

No. 1664-2
 Map No. 1427-2 Water Division No. 2 PONCA CREEK
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

- Name of Applicant Lloyd Baker
 Postoffice address Route 1, Bonesteel, State South Dakota 57317
 If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) Employment of Others
- Name of diversion work Lloyd Baker Dam
- Amount of water claimed (cubic feet per second) 2-cfs 1.92 MAX ALLOWABLE
- Source of water supply DAM ON Tributary to Ponca Creek
- Location of point of diversion NE1/4NE1/4 Section 31, T95N, R68W
- County Gregory
- Annual period or periods during which water is to be used April - September
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc) Irrigation
- For irrigation use, _____ Total number of acres to be irrigated 225.6 135

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE1/4SE1/4 Section 30	33.75 31.4		
SE1/4SE1/4 Section 30	33.75 31.4		
NW1/4SW1/4 Section 29	33.75 31.4		
SW1/4SW1/4 Section 29	33.75 31.4		

Attach sheet if more space is needed

- Time required to complete construction of water supply system one years. Additional time required to complete application of water to the proposed beneficial use one years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication Gregory Advocate
- Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

**CENTRIFUGAL PUMP W/DIESEL ENGINE
(800 GPM)**

B. Works proposed to transport water to place of use.

P.V.C. PIPE

C. Works proposed to apply water to beneficial use.

CENTER PIVOT

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Gregory) ss.

I, Lloyd Baker the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

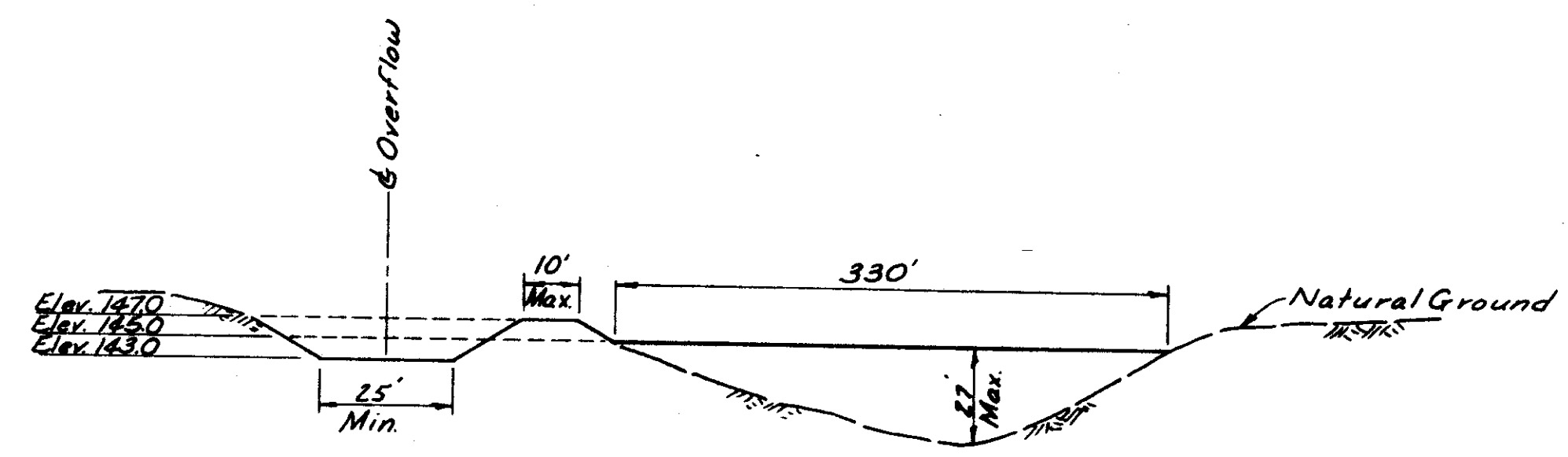
Signed Lloyd Baker

Subscribed and sworn to before me this 31st day of July, 1978

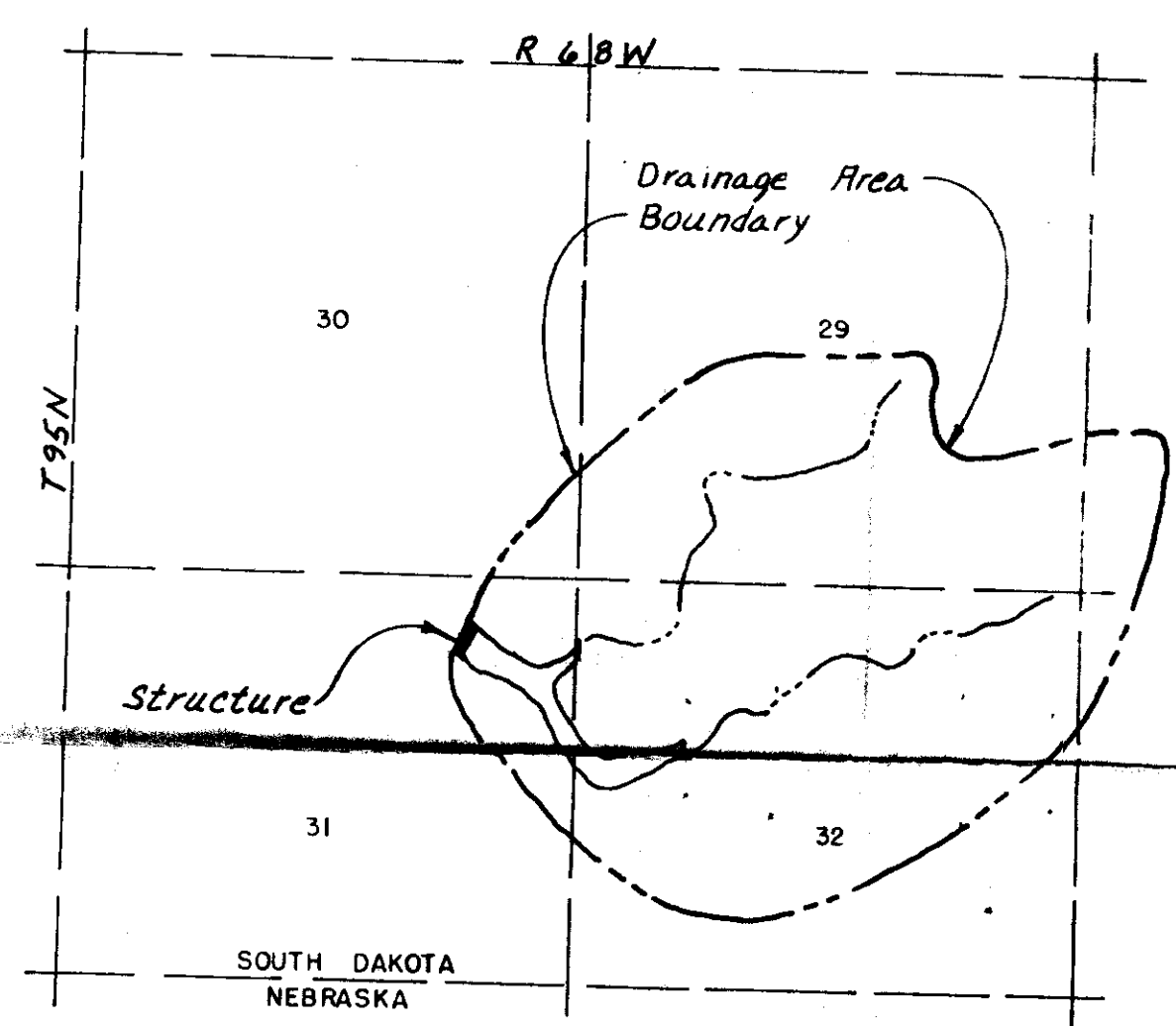
Mary E. Hays
 Notary Public (or other qualified officer)

9-1-1983

RESERVOIR CAPACITY TABLE			
DEPTH	SURFACE AREA	ACRE FEET	ACCUM. ACRE FEET
0	0 AC.	0	0
2	2.04	2.04	2.04
4	2.68	4.72	6.76
6	3.32	6.00	12.76
8	4.56	7.88	20.64
10	6.01	10.57	31.21
12	7.20	13.21	44.42
14	8.41	15.61	60.03
16	12.21	20.62	80.65
18	13.82	26.03	106.68
20	15.51	29.33	136.01
22	17.49	33.00	169.01
24	20.05	37.54	206.55



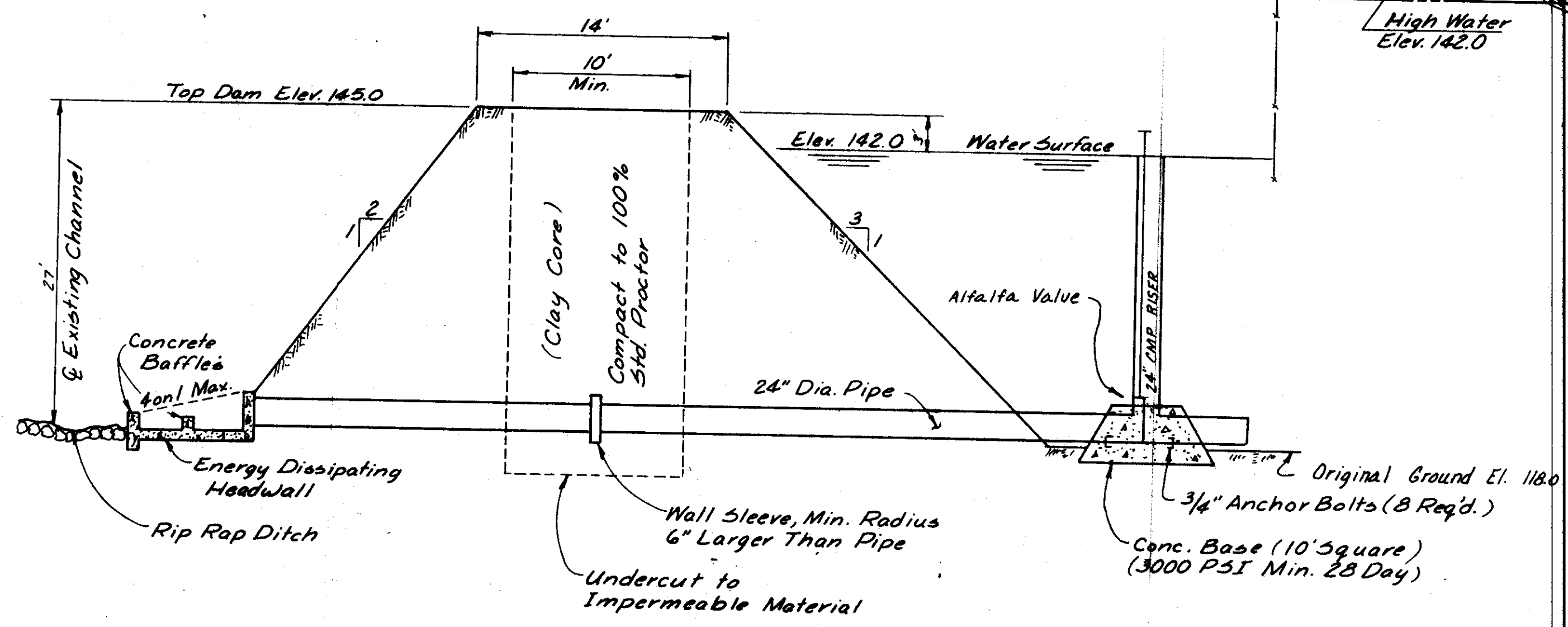
DAM PROFILE
No Scale



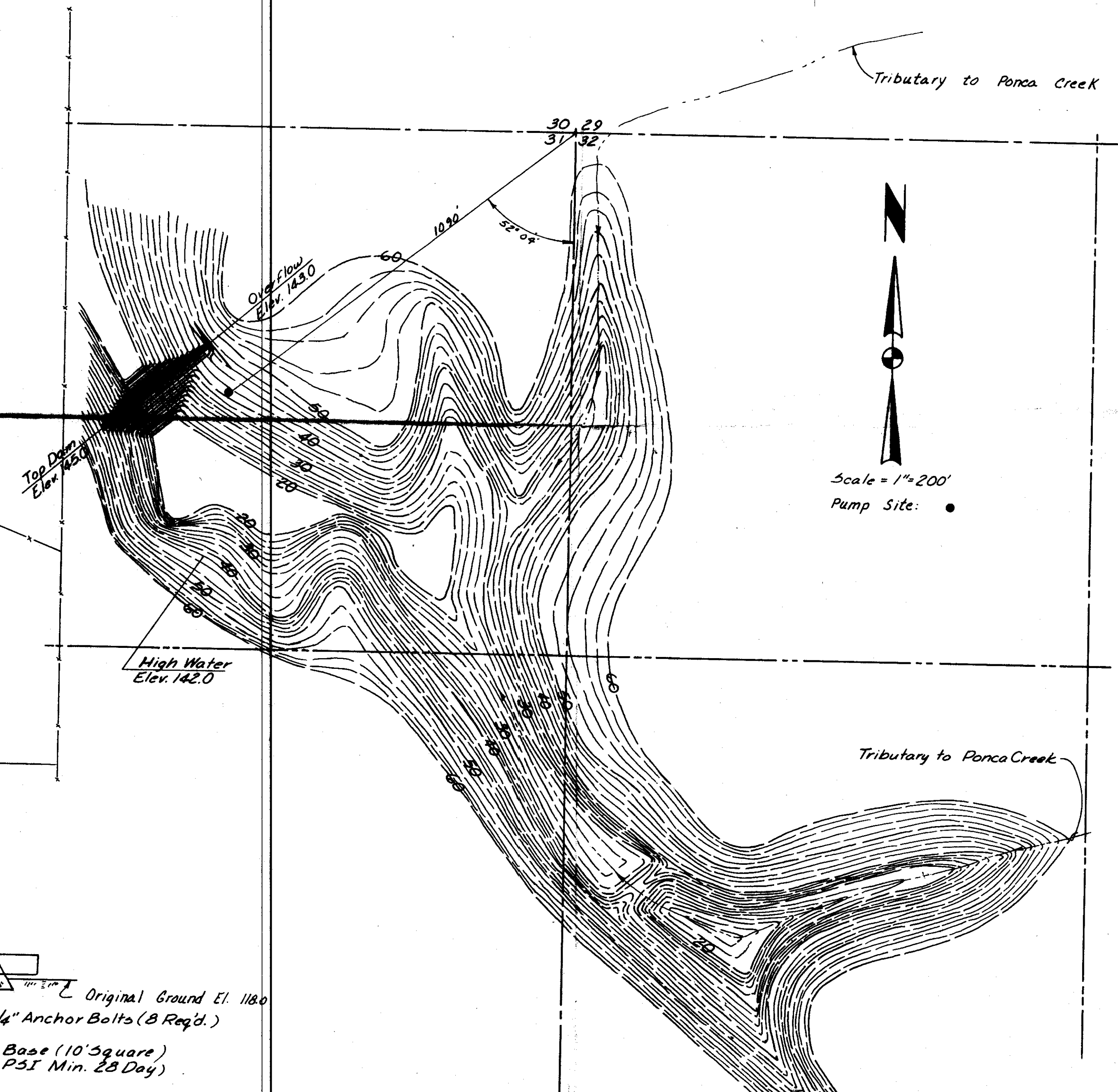
DRAINAGE AREA MAP
Scale: 1"=2000'

HYDRAULIC AND HYDROLOGIC DATA

Drainage Area 718 Acres
 Estimated Base Flow 0.4 CFS
 Design Storm 25 Year 24 Hour
 Peak Discharge For A 25 Year
 24 Hour Storm is 120 CFS
 The Principal Spillway Will Discharge
 60 CFS at Water Surface El. 142.5
 The Emergency Spillway will Discharge
 80 CFS at Water Surface El. 144.3
 Hazard Classification Low

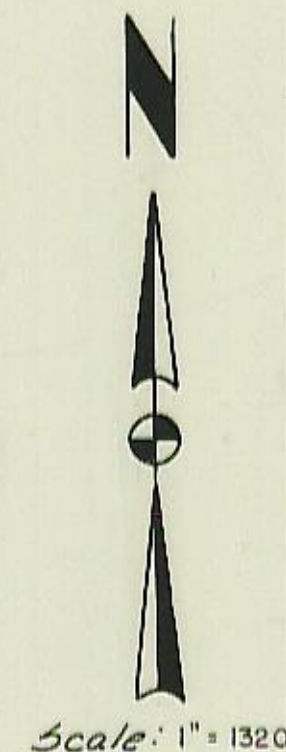
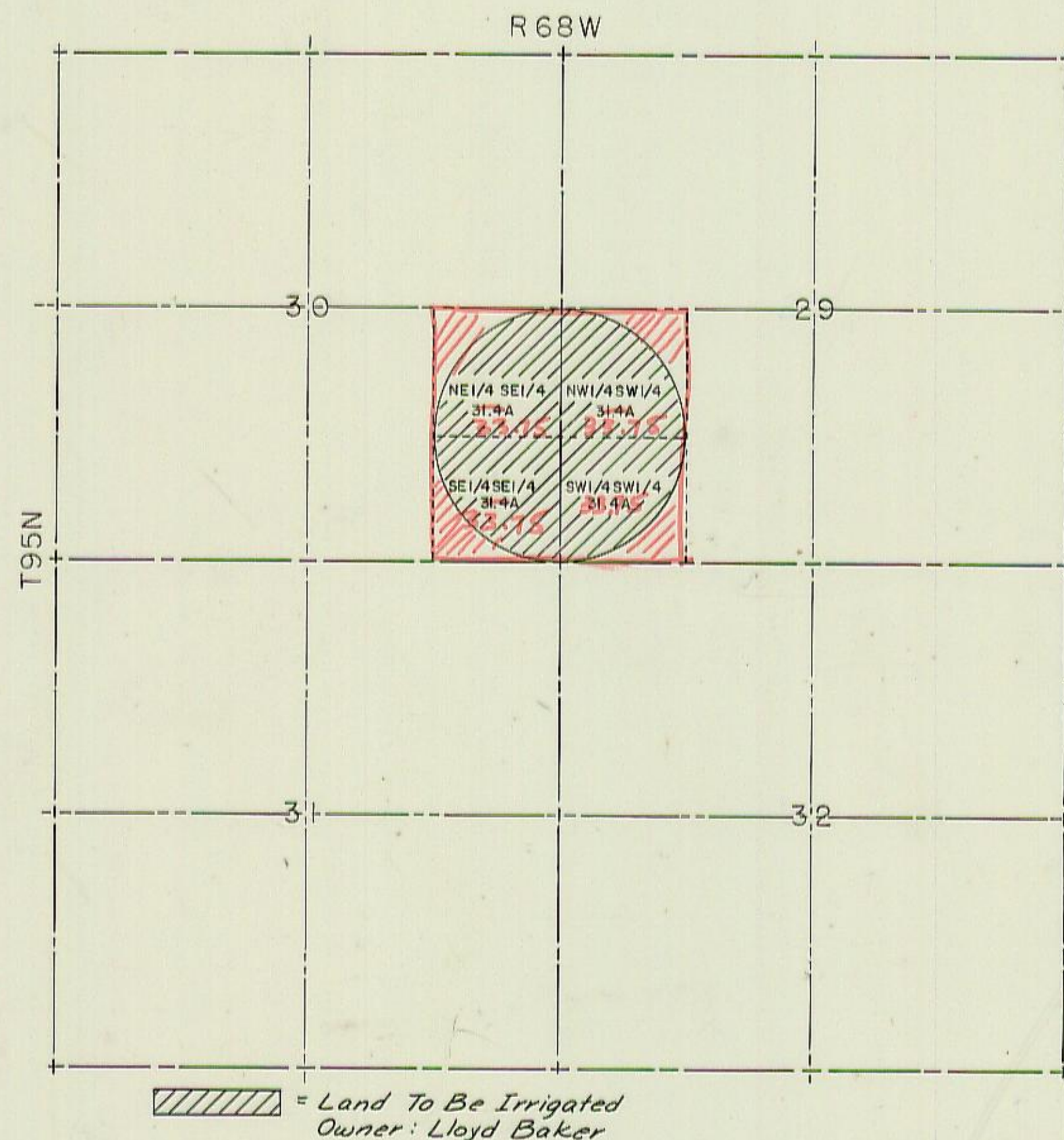


SECTION A-A
NO SCALE



Scale = 1"=200'
 Pump Site: •

REVISIONS		HEERMANN ENGINEERING SERVICES	
		411 N. MAIN	
		VALENTINE, NEBRASKA	
		TITLE	
		LLOYD BAKER DAM	
SCALE <i>Note</i>	DR. BY <i>REB</i>	DRAWING NO.	
DATE <i>6-27-78</i>	CK'D. BY <i>DDH</i>	<i>1 of 2</i>	



Location	Section	TWP.	Range	Acres
NE 1/4 SE 1/4	30	95N	68W	31.4 33.75
SE 1/4 SE 1/4	30	95N	68W	31.4 33.75
NW 1/4 SW 1/4	29	95N	68W	31.4 33.75
SW 1/4 SW 1/4	29	95N	68W	31.4 33.75
TOTAL				135.0 125.6

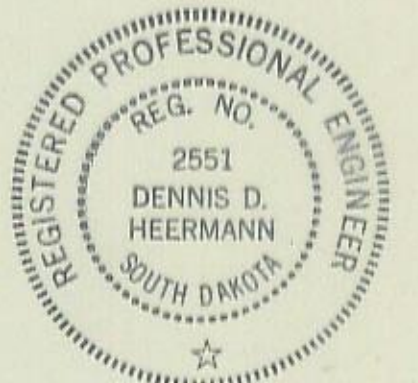
ESTIMATED EARTHWORK QUANTITIES

EXCAVATION= 20,150 CY
EMBANKMENT= 15,500 CY
BALANCE= 1.30

ENGINEERS CERTIFICATE
I, Dennis D. Heermann, A South Dakota Registered Engineer Number 2551, Certify That This Plat is A True And Correct Delineation Of An Irrigation Dam Site Located in The NW 1/4 And The SW 1/4 NE 1/4 Sec. 31 T95N R68W 6th P.M. Gregory County, South Dakota. The Above Described Being Owned By Lloyd Baker.

Dated: 7-18-78

Dennis D. Heermann P.E. 2551



ACKNOWLEDGEMENT

State of Nebraska) ss
County of Cherry)

On This 18th Day of July 1978, Before Me, A Notary Public, Duty Commissioned And Qualified in And For Said County, Appeared Dennis D. Heermann Who is Personally Known To Me To Be The Same And He Acknowledged The Signing of Said Engineer's Certificate To Be His Voluntary Act And Deed. Witness My Hand And Official Seal The Aforesaid Date.

My Commission Expires: May 4, 1981

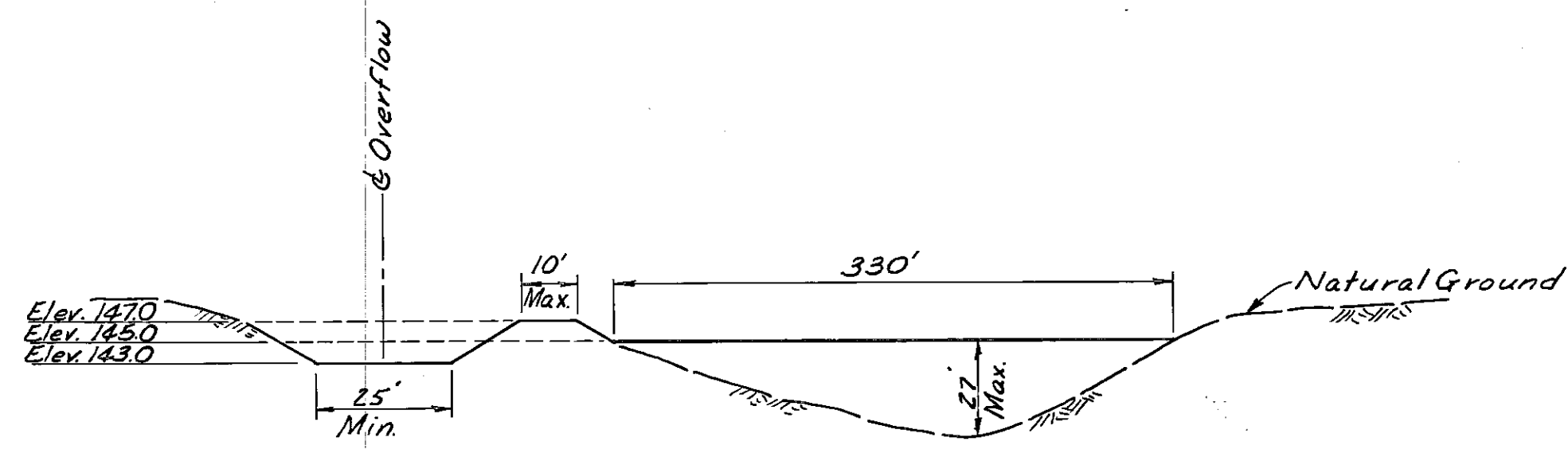
Notary Public



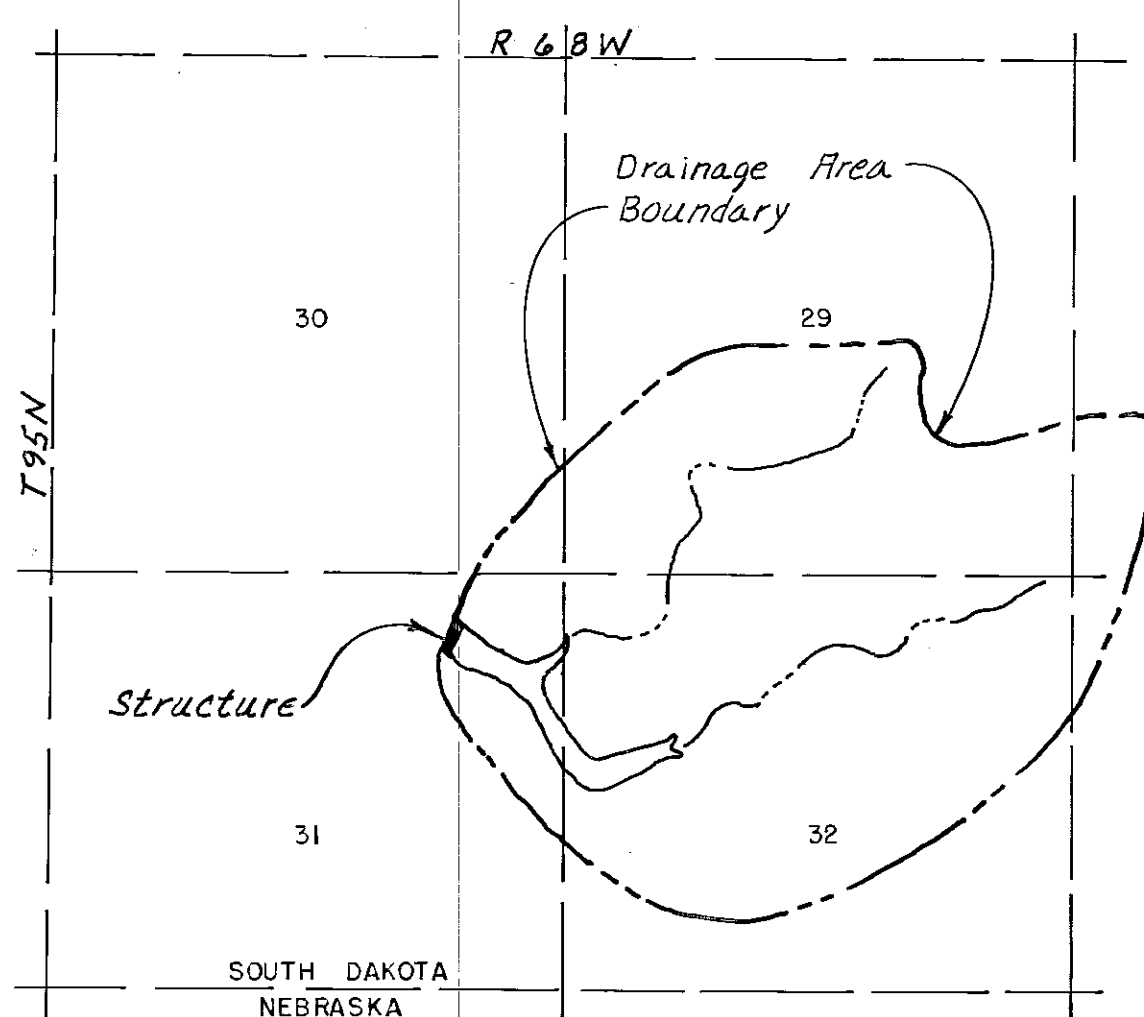
REVISIONS	HEERMANN ENGINEERING SERVICES 411 N. MAIN VALENTINE, NEBRASKA		
	TITLE LLOYD BAKER DAM		
	SCALE Note	DR. BY R.E.B.	DRAWING NO.
	DATE 6-27-78	CK'D. BY DDH	2 of 2

MAP No 1427-2 (APP-1664-2)

RESERVOIR CAPACITY TABLE			
DEPTH	SURFACE AREA	ACRE FEET	ACCUM. ACRE FEET
0	0 AC.	0	0
2	2.04	2.04	2.04
4	2.68	4.72	6.76
6	3.32	6.00	12.76
8	4.56	7.88	20.64
10	6.01	10.57	31.21
12	7.20	13.21	44.42
14	8.41	15.61	60.03
16	12.21	20.62	80.65
18	13.82	26.03	106.68
20	15.51	29.33	136.01
22	17.49	33.00	169.01
24	20.05	37.54	206.55



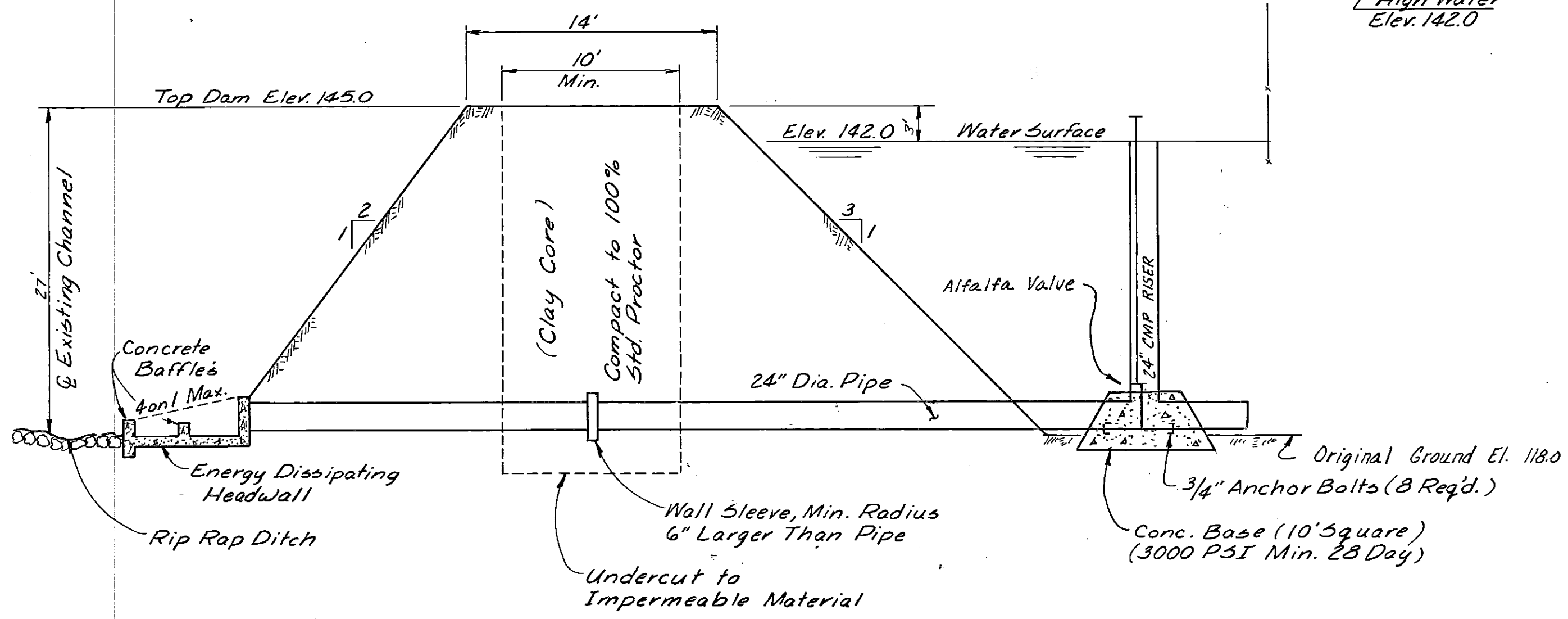
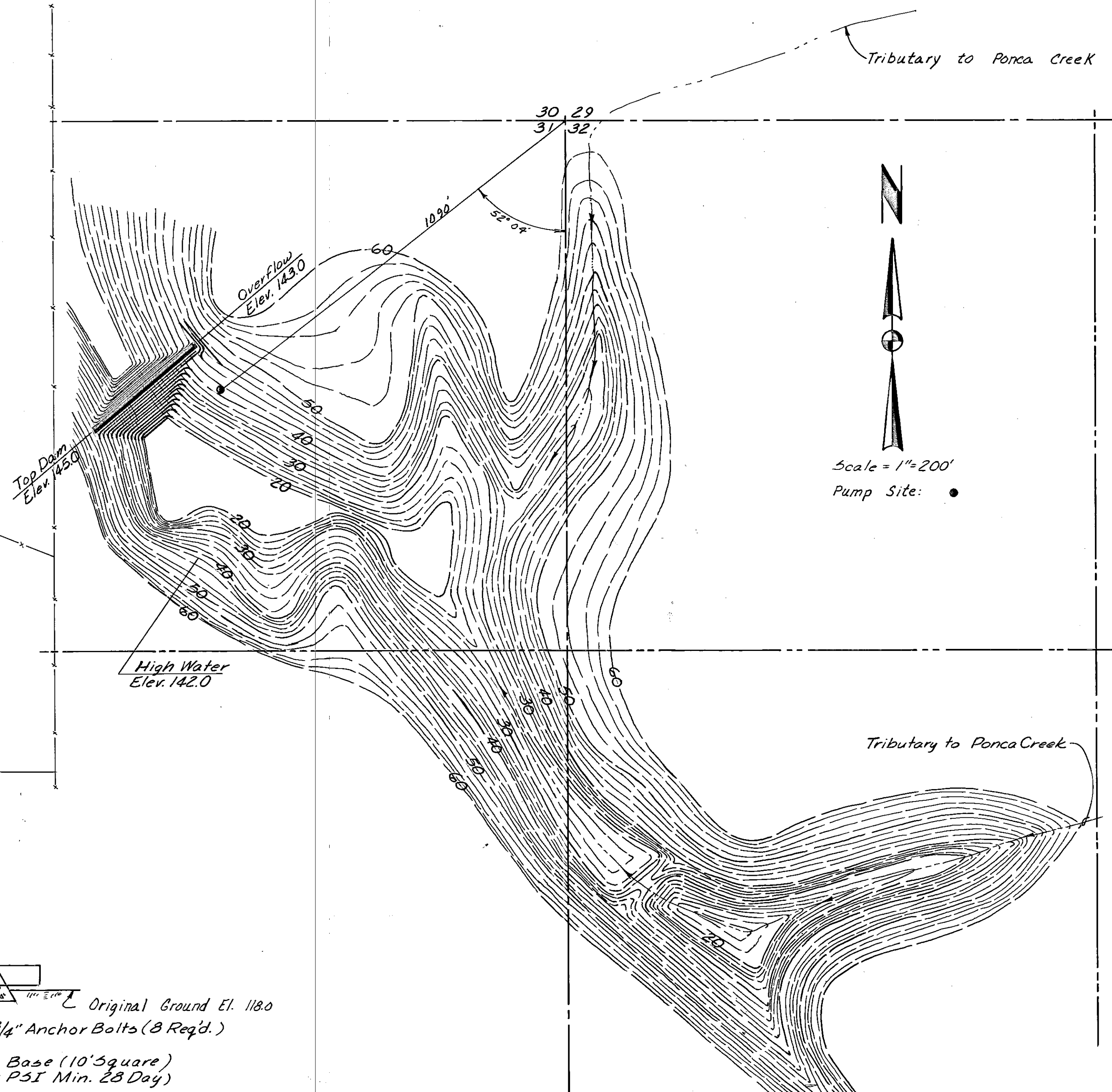
DAM PROFILE
No Scale



DRAINAGE AREA MAP
Scale: 1"=2000'

HYDRAULIC AND HYDROLOGIC DATA

Drainage Area 718 Acres
 Estimated Base Flow 0.6 CFS
 Design Storm 25 Year 24 Hour
 Peak Discharge For A 25 Year
24 Hour Storm is 120 CFS
 The Principal Spillway Will Discharge
60 CFS at Water Surface El. 142.5
 The Emergency Spillway will Discharge
80 CFS at Water Surface El. 144.3
 Hazard Classification Low



SECTION A-A
NO SCALE

REVISIONS		HEERMANN ENGINEERING SERVICES	
		411 N. MAIN	
		NEBRASKA	
TITLE		LLOYD BAKER DAM	
SCALE <i>Note</i>		DR. BY <i>R.E.B.</i>	DRAWING NO.
DATE <i>6-27-78</i>		CK'D. BY <i>DDH</i>	<i>1 of 2</i>

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1664-2

LLOYD BAKER
(Applicant)

RT. #1 - BONESTEEL
(Post Office Address)

SOUTH DAKOTA 57317 With the following modifications:
(State)

Low flows as needed for downstream domestic use, including livestock watering must be by-passed.

Approval of this Permit authorizes the storage of 206.55 acre feet.

Date of first receipt of application AUGUST 4, 19 78

Date of return to applicant for correction, amendments or changes required _____, 19 _____

Date of receipt of corrected application W/Q MAY 4, 19 79

Approved MAY 24, 19 79, Recorded in Book 20 Page 325

WATER RIGHT PERMIT NO. 1664-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1664-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MAY 4, 19 79
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 24, 19 79
3. The whole of said work is to be completed on or before MAY 24, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 24, 19 81
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by the appropriation.

7. The amount of the appropriation herein granted shall not exceed 1.92 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before MAY 24, 19 81; said water to be used during the following described annual period: APRIL -- SEPTEMBER

Witness my hand this 1ST day of JUNE, 19 79

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Height: 27 feet

Maximum Water Depth: 24 feet

Surface Area: 20.05 Acres

Storage Capacity: 206.55 Acre Feet

Paul Beck
Signature of Applicant

OWNERS NAME: Lloyd Baker OWNERS ADDRESS: Bonesteel S.D.
COUNTY LAND LOCATED IN: Gregory PHONE: 654-2488
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: SE 1/4 of SW 1/4 of 30-95-68
2. SURFACE WATER SOURCE: Poncha Creek Tributary (Box Elder Creek)
3. LOCATION OF AREA TO BE IRRIGATED: NE 1/4 SE 1/4; SE 1/4 SE 1/4 of 30-95-68 and NW 1/4 SW 1/4; SW 1/4 SW 1/4 of 29-95-68
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
- TYPE OF IRRIGATION: (Show approximate acres under each type of system)
5. GRAVITY ☐ TOWLINE ☐ CENTER PIVOT ☒ GUN ☐ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED Corn
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LAND: _____
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: _____

9. SALINITY (EC X 10⁶) _____

10. SODIUM (SAR) _____

ADJUSTED (SAR) _____



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 4:45 A.M./P.M., on Aug 14, 1978, at the following location: Poncha Creek

by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Gregory Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
9 DAY OF APRIL, 1979.

William D. Stewart
(NOTARY PUBLIC)

Lloyd Baker
APPLICANT'S SIGNATURE

Kerth L. Harner
Director, Division of Conservation

☒ APPROVED
☐ DISAPPROVED
☐ CONDITIONALLY APPROVED

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

Submitted by: **Lloyd Baker** 654-2488
 Address: **Ronesteel, SD 52317**

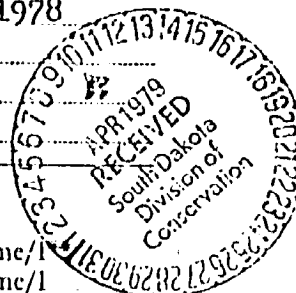
Date Rec'd **August 18, 1978**

Sample No. **78-743**

Identification **Dam**

SE 1/4 SW 1/4 30-95-18

44-24-18 P. 100



WATER ANALYSIS

Calcium (Ca)	127	ppm	3.46	me/l
Magnesium (Mg)	25	ppm	0.69	me/l
Sodium (Na)	4	ppm	0.17	me/l
Potassium (K)		ppm		me/l
Sulfate (SO ₄)	14	ppm	0.29	me/l
Nitrate (as N)	0.19	ppm	0.01	me/l
Chloride (Cl)		ppm		me/l
Bicarbonate (HCO ₃)	190	ppm	3.12	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.
Alkalinity (Methyl Orange)	156	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	374	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.07			
Sodium	0.15	% of cations		
Residual sodium carbonate		me/l		
pH	7.00			

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g. =grains per gallon

COMMENTS: See enclosed bulletin.

Please fill in the enclosed questionnaire and return with your payment.

By: **Shirley Mittan**

Service Performed

Amount Due

Livestock analysis

\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT Lloyd Baker, Senaestel, SDSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:RECOMMENDED MANAGEMENT:

1. Water should not be applied more than ----- times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least --- inches of water.
3. ☐ Yes ☐ No Surface drainage suggested on -----.
4. ☐ Yes ☐ No Subsurface drainage suggested on -----.
5. ☐ Deep tillage (for the purpose of aiding movement of water through dense subsoils.

COMMENTS:

6. ☐ Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application pivot.

GENERAL COMMENTS:

You indicate the small area of erodible soils on the n.w. quadrant of your pivot circle has been filled with good soil and with a culvert drain under the other wheel track to prevent further erosion. I would suggest the area affected to kept in permanent grass or grass-legume mixture to further stabilize the soils.

Copy to applicant
Copy to Water Rights
Copy on File

No. 1664-2

Publish first publication, on or before May 9, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 4, 1979

Notice is hereby given Lloyd Baker whose post office

address is Bonesteel, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.92 cubic feet of

water per second of time from ~~xxx~~ a dam on a tributary to Ponca Creek through the Lloyd Baker Dam, the point(x) of diversion of which is (xxx) to be located

In the NE1 NE1

of Section 31, Twp. 95 N, Range 68 W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E1 SE1 Section 30 and W1 SW1 Section 29 all in T95N - R68W

This Application No. 1664-2 will be considered by the Water Rights Commission at Howard Johnson's Hotel
2111 Lacrosse, Rapid City, SD 57701 upon the 24th day of May 1979

at 10 AM. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

BETTY WESTLUND

Water Rights Specialist

cc: Lloyd Baker
Rt.1
Bonesteel, SD 57317

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1664-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Gregory) ss.

I, Nelson L. Miller hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Gregory River - Advocate

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

city Gregory of Gregory

County of Gregory and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

May 9, 1979

May 16, 1979

Sally A. Miller
(Signature)

Notary Public
(Title)

May 16 1979
(Date Signed)

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

May 4, 1979

Notice is hereby given that
Lloyd Baker whose post office
address is Bonesteel, South
Dakota, has made an applica-
tion in accordance with the
provisions of SDCL 46-1-1
through 46-1-9, 46-1-14, 46-2-
9 through 46-2-11, 46-2-13, 46-
5-1 through 46-5-8, 46-5-10
through 46-5-22, 46-5-41, and
Commission Rules ARSD
52:01:01.01 through
52:01:01.13 for a permit to
appropriate for beneficial use
1.92 cubic feet of water per
second of time from a dam on

tributary to Ponca Creek
through the Lloyd A. Baker
Dam, the point of diversion of
which is to be located in the
NE 1/4 (NE 1/4) of Section 31,
Twp. 95N, Range 68W, Said
water to be used for the
purpose of providing irriga-
tion on portions of the
following described land: E 1/4
SE 1/4 Section 30 and W 1/4
SW 1/4 Section 29 all in T95N
R68W.

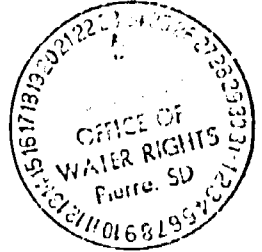
This Application No. 1664-2
will be considered by the
Water Rights Commission at
Howard Johnson's Motel
2211 Lacrosse, Rapid City, S.
D. 57701 upon the 24th day of
May 1979 at 10 a.m. The Com-
mission is authorized to make
a determination on this appli-
cation at the hearing. All
interested persons may ap-
pear and be heard. Any
person who may be affected
by a Commission decision who
desires to present evidence or
cross-examine witnesses ac-
cording to SDCL 1-26 may
notify the Commission in
writing prior to the hearing or
orally at the hearing.
This hearing is an adver-
sary proceeding. Any person
has the right to be present or
to be represented by a
lawyer. These and other due
process rights will be forfeit-
ed if they are not exercised at
the hearing. Decisions of the
Commission may be appealed
to the Courts as provided by
law.

Water Rights Commission
Betty Westlund
Water Rights Specialist
(19-20) (67)



Form 10.

No. 1664-2 *Gregory*



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Bonnet Creek R1. So. Dak.

Date July 20 19 79

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 1664-2.

Water Right Permit No. 1664-2 states that the diversion system is to be constructed by Nov. 24, 19 79 and that the water is to be put to beneficial use by May 24, 19 80.

The diversion system was completed on June 20, 19 79.
Applying the water to beneficial use was completed on July 20, 19 79.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Lloyd Baker
(Signature)

Conversation or File Documentation

NAME OF PERSON OR FILE: Lloyd BakerADDRESS: Rt. 1 Box 41 Bonestell, SD COUNTY GregoryDATE: July 25, 1991 TELEPHONE _____RE: Soil/Water Permit

COMMENTS:

I talked to Tim Stuckel today about Lloyd Baker's Soil/Water permit. Mr. Baker irrigates from a dam located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31-T95N-R68W. His Soil/Water permit indicates that his diversion point will be located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30-T95N-R68W; However, his Water Permit indicates the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31.

Tim thought this would be OK, since the dams are on the same tributary to Ponca Creek (Box Elder Creek) and are within 2000 feet.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Timi Shael

Permit No. 1664-2Nichols Twp. Water District Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Lloyd Baker
 of Rt. 1 Box 41 Bonesteel, SD holder of
 Permit No. 1664-2, bearing the priority of May 4 1979 authorizing
 the diversion of 1.92 cu. ft. per second of the waters of Tributary to Ponca Creek
 for Irrigation purposes, in Gregory County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Berkley Centrifugal Pump - Model B4TRBM CW #
White 95 Hp Diesel Motor - Model 3428235

B. Works used to transport water to place of use:

Approx. 1300 feet of 12 inch PVC pipe

C. Works used to apply water to beneficial use:

7 Tower Valley Center Pivot

The system is in the following condition Good

The point of diversion is located 1190 ft. West & 660 ft. South of the NE Corner
Section 31-T95N-R68W (NE 1/4 NE 1/4)

The works are capable of diverting and conveying to the place of use 1.78 (800 gpm)
 cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows:

32.5 Ac. NE 1/4 SE 1/4 Sec. 30-T95N-R68W
32.5 Ac. SE 1/4 SE 1/4 " " " "
32.5 Ac. NW 1/4 SW 1/4 Sec. 29-T95N-R68W
32.5 Ac. SW 1/4 SW 1/4 " " " "

comprising a total of 130 acres of land and the license should be issued for 1.78 cfs

Applicable permit qualifications have been complied with X Yes No Inspected Oct 11, 1988

Exceptions to compliance are: Date July 25, 1991

Timothy H. Schaal
 (signature)

LICENSE FOR PERMIT NUMBER 1664-2

1. Legal location of wells: 1190 ft. West & 660 ft. South of the
NE 1/4 Corner of Section 31-T95N-R68W (NE 1/4 NE 1/4)
dams & structures: _____

2. Well Information: _____ Drilling Firm _____

Completion Report Yes _____ No _____ No. of Wells _____ Depth _____
Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____
Pump a) make Be-Kley Motor a) make White - Diesel
b) model B4JRBH CW b) model No. 3428235
c) size 1 3/4" Imp. c) horsepower rating 95
d) capacity 750-800 gpm
e) turbine pump - no. of stages _____
f) operating PSI _____

3. Distribution lines or canals

a) size 12 inch
b) type PVC
c) length ≈ 1300 ft.

4. Dam Information:

a) height to crest 27' m) Outlet tubes:
b) height to primary spillway 22' 1) diameter 32 inch
c) height to secondary spillway 24' 2) type CMP
d) crest width 15' 3) valved (Y/N) Yes
e) crest length 400' 4) valve type Gate
f) spillway length ≈ 300' 5) location on structure
g) spillway width 25' Near Center
h) approx. storage ≈ 206 A.F. n) Category of Dam 3
i) approx. storage to crest ≈ 300 A.F.
j) date constructed 1979
k) inspection sheet completed (Y/N) _____
l) Name of Contractor Van Houten Const.
Butte, Neb.

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make Valley
- 2) number of towers 7
- 3) distance between towers _____
- 4) overall length 1300
- 5) end gun (Y/N) Yes Nelson
- 6) high or low pressure Low ~ 50 ps.
- 7) make & size of nozzles _____
- 8) capacity (GPM) 750-800

g) siphons

- 1) size _____
- 2) number _____

NOTE:

For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
<u>X</u>	—	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit? (<i>Division Permit different</i>)
<u>X</u>	—	2. Special qualifications to permit being abided by?
<u>X</u>	—	3. All structures, wells and lands on map?
<u>X</u>	—	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
—	<u>X</u>	5. Is chemigation used?
<u>NA</u>	—	6. If yes, does equipment comply with chemigation rules?

REMARKS:

South Dakota



GREAT FACES. GREAT PLACES.

July 29, 1991

DEPARTMENT OF AGRICULTURE

445 East Capitol Avenue
Pierre, South Dakota 57501-3188

DIVISIONS

Administration	(605) 773-3375
Conservation	773-3258
Forestry	773-3623
Regulatory Services	773-3724
FAX	773-5926



TO: TIM SCHAAL, WATER RIGHTS - DENR

FROM: JAMES L. STUKEL, NATURAL RESOURCE PROGRAM SCIENTIST
DIVISION OF CONSERVATION

SUBJECT: LLOYD BAKER PERMIT

Per our discussions concerning the Lloyd Baker irrigation project, it is my understanding that the water source was moved from the original description on the Soil and Water Compatibility Permit.

The present structure is in the same drainage, no additional water or acreage and is within 2,000 feet of the legal description found on the permit.

Based on these facts, I do not feel any additional permitting is necessary at this time.

South Dakota

GREAT FACES. GREAT PLACES.

July 26, 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

1664-2

Lloyd Baker
RR #1 Box 41
Bonesteel, SD 57317

Dear Mr. Baker:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1664-2, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

412763

Division of Water Rights South Dakota Department of Water and Natural Resources

Pierre, August 1, 19 91

RECEIVED OF Lloyd Baker, RR 1, Box 41, Bonesteel, SD 57317

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 1664-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

5000

5000

By John Hatch (PF)
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1664-2

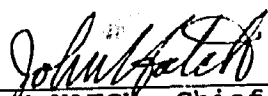
(1) Lloyd Baker of RR 1, Box 41, Bonesteel, SD 57317 made Application No. 1664-2, August 4, 1978 for a water permit to appropriate 1.92 cubic feet of water per second and to store 206.55 acre feet of water annually on a tributary of Ponca Creek, Gregory County, South Dakota for irrigation purposes. Permit No. 1664-2 with a priority date of May 4, 1979 was approved May 24, 1979 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 24, 1980 and for the application to beneficial use of said water on or before May 24, 1981.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second and to store 206 acre feet annually for beneficial use. The location of the diversion point (storage dam) is: 1190'W and 660'S of the NE corner of Section 31, T95N, R68W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T95N, R68W Section 30	NE 1/4	SE 1/4	32.5 Acres
	SE 1/4	SE 1/4	32.5 Acres
Section 29	NW 1/4	SW 1/4	32.5 Acres
	SW 1/4	SW 1/4	32.5 Acres
	Total-----		130 Acres

(4) Pursuant to Section 46-5-30.1 Lloyd Baker of RR 1, Box 41, Bonesteel, SD 57317 the holder(s) and/or owner(s) of Water Permit No. 1664-2 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second and to store 206 acre feet of water annually on a tributary to Ponca Creek with a priority date of May 4, 1979 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1664-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

SEP 17 1991

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

SEP 17 1991

Lloyd Baker
RR 1, Box 41
Bonesteel, SD 57317

Dear Mr. Baker:

Enclosed is Water License No. 1664-2. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 412763 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have continuing right to use the water.

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

1664-2

SENDER COMPLETE THIS SECTION

- Complete item 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LLOYD BAKER
RR 1 BOX 41
BONESTEEL SD 57317 9730

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
1-20-01

C. Signature ☐ Agent
X Lloyd Baker ☒ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 3840

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



1664-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 19, 2001

NOTICE

TO: LLOYD BAKER, RR 1 BOX 41, BONESTEEL, SD 57317 9730

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No. 1664-2. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No. 1664-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 5, 2001

1664-2

Lloyd Baker
RR 1 Box 41
Bonesteel, SD 57317-9730

Dear Mr. Baker:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 1664-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



1664-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 17, 2003

NOTICE

TO: LLOYD BAKER, RR 1 BOX 41, BONESTEEL, SD 57317 9730

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No. 1664-2. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 5, 2003, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No. 1664-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **February 28, 2003**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



1664-2

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 5553

Your item was delivered at 10:45 am on January 18, 2003 in BONESTEEL, SD 57317. The item was signed for by S BAKER.

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 5553

LLOYD BAKER
RR 1 BOX 41
BONESTEEL SD 57317 9730

mailing.

Postmark
Here

POSTAL CUSTOMER:

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Access internet web site at
www.usps.com
or call 1-800-222-1811

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(See Reverse)

PS Form 153, February 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 5, 2003

1664-2

Shirley Baker
RR 1 Box 41
Bonesteel SD 57317-9730

Dear Ms. Baker:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 1664-2.

I completed a questionnaire for you based on your February 5th telephone conversation with Ron Duvall with our program. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Shirley Baker, RR 1 Box 41, Bonesteel SD 57317

DATE: December 19, 2003

TELEPHONE: 605 654-2488

RE: irrigation

COMMENTS:

In response to the annual irrigation questionnaire, Mrs. Baker called to remind us that she does not irrigate and does not intend to irrigate. She indicated she let us know last year that they had not irrigated in years.

She wanted to know if she still had to fill out the annual forms. I told her that we could schedule the water right for cancellation consideration which would eliminate future irrigation questionnaires from being sent to her. She asked that we go ahead and do that.

I then reviewed her water right and found the source of water to be a 206 acre feet storage dam on a tributary to Ponca Creek. The original permit was for stock watering and irrigation from the dam. I called Mrs. Baker back and told her that due to the size of the dam, a water right would still be needed. We could go through the steps to reissue the water right for stock watering and delete the irrigation portion. This would eliminate the annual irrigation questionnaire requirement and would allow her to keep the water right for storage of water.

She requested that we go ahead and reissue the water right for stock water.



Genny McMath
Environmental Scientist

Licensing of Irrigation Water Permit for Stock Watering

NAME: Shirley Baker, RR 1 Box 41, Bonesteel SD 57317

DATE: December 19, 2003

COUNTY: Gregory

TELEPHONE: 605 654-2488

AUTHORITY

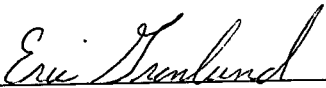
Pursuant to SDCL 46-5-31.1, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder.

REQUEST

Mrs. Baker indicated they have not irrigated in years and do not intend too. Lloyd Baker passed away and she still owns the land. The storage dam (206 acre feet) still exists and is used for livestock watering. Mrs. Baker requested the irrigation portion of the water right be deleted.

RECOMMENDED ACTION

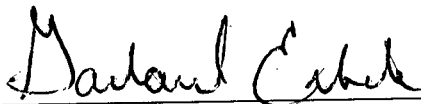
Based on the above request, it is recommended that the water license be issued for stock watering.



Eric Gronlund, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-31.1 that:

This addition of stock watering does not impair existing water rights and no diversion of water will be made from the stock dam. Licensing of the water permit for stock watering may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program

REISSUED
STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1664-2

(1) Shirley Baker, RR 1 Box 41, Bonesteel SD 57317 was issued Water Right No. 1664-2, September 17, 1991 for a water permit to impound 206 acre feet of water from a tributary to Ponca Creek, Gregory County, South Dakota for irrigation purposes. Water Right No. 1664-2, with a priority date of May 4, 1979 was issued to the permit holder for diversion of water upon completion of the water supply system and the application of water to beneficial use.

Based on conversations with Mrs. Baker, the irrigation use from the permitted storage dam has been abandoned and/or forfeited. Pursuant to 46-5-31.1, stock watering may be added as a water use to the license provided no diversion is made from the dam. The Chief Engineer makes a finding that adding stock watering use to the license will not be impair existing water rights.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1664-2 is reissued a license, bearing a priority date of May 4, 1979 to impound 206 acre feet of water for stock watering.

The location of the storage dam (spillway) is 1,190 feet west and 660 feet south of the northeast corner of Section 31-T95N-R68W (NE ¼ NE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1664-2, including the following now applicable qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
- Approval of this permit authorizes the storage of 206 acre-feet.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 16 2004

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JAN 16 2004

1664-2

Shirley Baker
RR 1 Box 41
Bonesteel SD 57317

Dear Mrs. Baker:

Enclosed is Reissued Water License No. 1664-2. The license is being reissued because you have indicated that irrigation use from the permitted storage dam has been abandoned and/or forfeited. The dam is now used for stock watering only.

As long as you use the water beneficially, as stated in the Reissued Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

NOT TO SCALE

NOT TO SCALE

